



United States Department of the Interior

NATIONAL PARK SERVICE
Fire Island National Seashore
120 Laurel Street
Patchogue, NY 11772

Review and Comments on Building/Zoning Permit Application

Applicant(s):

Owner: James Rohan

Agent: Michelle Quatrale

Tax Map #:

986.70-7.31

Application No.:

Case # 5 & 6 September 10, 2014

Zoning Authority:

Brookhaven

Community:

Fire Island Pines

Object (Yes/No):

Yes

If Objection status is "Yes", property will be subject to the condemnation authority of the Secretary of the Interior, if built as proposed, or previously built with or without permits beyond allowable standards.

Reason for Objection: Other

Objection Type:

See Comments

Comments:

The Seashore objects to the request for relief of the Administrative Decision from the Brookhaven Department of Environmental Protection and the proposed setback variances requested for the existing 2nd story deck and the proposed first story deck, swimming pool, pool deck addition, proposed beach access walk and proposed reconstruction of access stairs. Please see attached letter with our findings.

Review of this application for construction or variance request within the Fire Island National Seashore is made in accordance with 36 C.F.R. Part 28, Federal Zoning Standards for Fire Island National Seashore.

Superintendent

9/4/2014

Date

Cc: Applicant



United States Department of the Interior
NATIONAL PARK SERVICE

FIRE ISLAND NATIONAL SEASHORE

120 Laurel Street
Patchogue, New York 11772
(631) 687-4750

IN REPLY REFER TO:

986.40-7.31

September 4, 2014

Paul M. DeChance, Chairman
Board of Zoning Appeals
Town of Brookhaven
One Independence Hill
Farmingville, NY 11738

RE: James Rohan, S/S Ocean Walk 40' W/O Atlantic Walk, Fire Island Pines
SCTM Number: 0200986400700031000
Case # 5 & 6 on September 10, 2014

Dear Chairman DeChance and Members of the Board:

In response to the request for relief of an administrative decision and then a subsequent variance request referenced above, Fire Island National Seashore supports the administrative decision submitted by the Town of Brookhaven Department of Environmental Protection (DEP) denying the permit for construction articulated in the variance application for this property. Our findings fully support the DEP conclusions.

Presently, Suffolk County is working in cooperation with the Town of Brookhaven and the U.S. Army Corps of Engineers (Corps) to provide shoreline protection to the communities on Fire Island, as well as the mainland of Long Island, by way of constructing a dune project along the oceanfront of Fire Island. This project is known as the Fire Island Inlet to Moriches Inlet Storm Damage Protection Plan (FIMI). Per that project, the Corps is engaging in an updated survey for the entire shorefront that will accurately show present beach conditions, dune placement locations and easement requirements from adjacent property owners, wherein old survey data, such as what is shown on the survey provided with this application, will no longer be relevant or valid. Until the FIMI survey work is completed and easements are acquired that will dictate where the FIMI project will be placed, all private construction requests in the FIMI project area, including new pools and decks, should be denied as such construction will only serve to hamper the FIMI project efforts of providing protection for Fire Island communities and Long Island, at large.

In addition to our support of this denial, we would like to add additional information to support our objection to this application.

Since the 1970s, when the Seashore registered its first objection to a proposed swimming pool at this property, based on the knowledge that such construction would be subjected to continuing storm damage which would weaken the oceanfront dune system, one was subsequently constructed. Since that time, numerous storms have damaged and eventually destroyed the pool. Our recent chronology is as follows:

- 1996 – Application made to town to repair storm damaged deck and remove existing damaged pool.
- 1997 – Application made to storm damaged deck, but no swimming pool was noted on the survey. The Seashore had no objection.
- 1999 – Application made to construct access walk and stairs to beach, but no swimming pool was noted on the survey. The Seashore had no objection.
- 2005 – Application made to construct access walk and stairs to beach, but no swimming pool was noted on the survey. The Seashore had no objection.
- 2007 – Application was made to convert the lower level of the house to habitable space, thereby allowing for a 3-story house, construct stairs and a new swimming pool. No comment submitted by the Seashore.

In the late 1970s the property owner, Mark Levine, had agreed, after much back and forth correspondence with the Department of the Interior to remove the pool he constructed at the house, though the pool was never removed. In 1980, the town agreed to allow for the existing understory to be enclosed, but all work had to be break-away construction, wherein allowing for the requested approval of the existing habitable space would be in violation of FEMA Flood Insurance requirements. That enclosed space included a living room, storage, bedrooms and stairs, all of which were built without permits in 1977. We can provide copies of any of this information from our files upon request of the Board of Zoning Appeals.

As articulated in the DEP denial, this proposed project is neither reasonable nor necessary, as an alternative location should be used, such as at the north side of the property. We reiterate our full support of the DEP's administrative decision and recommend that the Board of Zoning Appeals uphold the DEP Permit Denial for the proposed construction at this property, and all variances associated with the proposal. If the denial is reversed and variances granted for this project, the FIMI project will likely be hampered by easement disputes, which would then only serve to postpone the project that the State of New York, Suffolk County, the Town of Brookhaven, in conjunction with the Corps of Engineers and the National Park Service are undertaking to provide storm protection for the south shore of Long Island including the communities on Fire Island. When the FIMI project is completed only then should Mr. Rohan's application be considered.

Sincerely,



K. Christopher Soller
Superintendent

CC: Applicant